



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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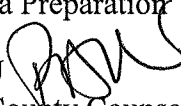
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JOHN F. KRATTLI  
County Counsel

August 22, 2012

TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU   
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Robert Andrew Durham, Jr. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 457 732**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Robert Andrew Durham, Jr. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 457 732, in the amount of \$150,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit arises from injuries sustained in a vehicle versus pedestrian accident involving the alleged negligence of a Sheriff's Deputy.

## **CASE SUMMARY**

### **INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION**

CASE NAME	Robert A. Durham v. County of Los Angeles
CASE NUMBER	BC457732
COURT	Los Angeles Superior Court - Central District
DATE FILED	March 18, 2011
COUNTY DEPARTMENT	Sheriff's
PROPOSED SETTLEMENT AMOUNT	\$ \$150,000
ATTORNEY FOR PLAINTIFF	Jaime G. Monteclaro
COUNTY COUNSEL ATTORNEY	Jenny P. Tam
NATURE OF CASE	This lawsuit arises from an automobile accident that occurred on June 21, 2010, when a Sheriff's patrol vehicle rolled over plaintiff Robert Durham's foot. Due to the risks and uncertainties of litigation, a full settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ \$20,032.08
PAID COSTS, TO DATE	\$ 13,002.38

Case Name: Robert Durham, et al. v. County of Los Angeles, et al.



## **Summary Corrective Action Plan**

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Monday, June 21, 2010; approximately 12:08 a.m.
Briefly provide a description of the incident/event:	<p><b><u>Robert Durham, et al. v. County of Los Angeles</u></b> Summary Corrective Action Plan No. 2012-014</p> <p>On Monday, June 21, 2010, at approximately 12:08 a.m., a Los Angeles County deputy sheriff was driving a standard, black and white, County-owned patrol vehicle south on Eastman Avenue, north of Olympic Boulevard, Los Angeles, when the vehicle he was driving struck a pedestrian (plaintiff).</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

This incident was thoroughly investigated by representatives of the Los Angeles County Sheriff's Department and the California Highway Patrol. Their investigations concluded that the plaintiff caused the collision by violating California Vehicle Code section 21950(b), Right-of-Way at Crosswalks.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.

The Los Angeles County Sheriff's Department's administrative review revealed no employee misconduct. Consequently, no administrative action was taken and no corrective action measures are recommended nor contemplated.

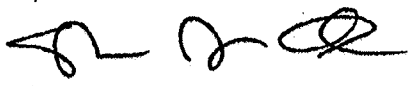
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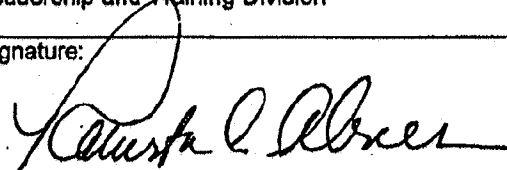
County of Los Angeles  
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:  
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).

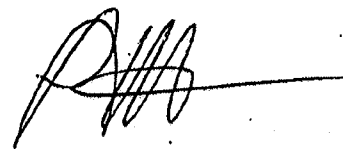
- ☐ Potentially has Countywide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department(s) implications.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)  Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 7-17-12

Name: (Department Head)  Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 7-18-12

Chief Executive Office Risk Management Branch

Name: CEO COSTANTINO	
Signature: 	Date: 7/26/2012

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